U.S. Bankruptcy Appellate Panel of the Ninth Circuit

125 South Grand Avenue, Pasadena, California 91105
Appeals from Central California (626) 229-7220
Appeals from all other Districts (626) 229-7225

FILED
JUL 21 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

In Re: FRANCIS J. LOPEZ

BAP No.: SC-08-1174

Bk. Ct. No.: 05-05926-PB7

ADV. NO.: '08 CV 1306 JLS WMc

NOTICE OF TRANSFER OF APPEAL TO DISTRICT COURT

A party to the appeal has timely filed an objection to the disposition of this matter by the Bankruptcy Appellate Panel. See 28 USC Section 158. Consequently, this appeal is herewith transferred to San Diego District Court.

Please acknowledge receipt of the case file listed above by signing and returning a copy of this transmittal form.

Harold S. Marenus, BAP Clerk

By: Vicky Jackson-Walker, Deputy Clerk
Date: July 16, 2008

Please acknowledge receipt of the case file listed above.
Dated:____________________

Signed:____________________
District Court Deputy

Assigned District Court No.

____

cc: Bankruptcy Court
All Parties

RECEIVED

L. Scott Keehn, SBN 61691
KEEHN & ASSOCIATES
A Professional Corporation
402 West Broadway, Suite 1210
San Diego, California 92101
Telephone: (619) 400-2200

RECEIVED
Harold S. Marenus, Clerk
U. S. BKCY. APP. PANEL
OF THE NINTH CIRCUIT

JUL 15 2008

FILED ____________
DOCKETED ____________
DATE INITIAL

Attorneys for **Petitioning Creditors**

UNITED STATES BANKRUPTCY APPELLATE PANEL

OF THE NINTH CIRCUIT

In Re: FRANCIS J. LOPEZ, Alleged Debtor.	Case No. 05-05926-PB7 BANKRUPTCY APPEAL NO. 2 **ELECTION TO HAVE APPEAL HEARD BY THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

Petitioning Creditors Alan Stanly, Northwest Florida Daily News, and Alternative Resolution Center, hereby elect to have the appeal from the "*Order on Motion for Transfer of Venue*" entered by the Bankruptcy Court on June 24, 2008, heard by the United States District Court for the Southern District of California pursuant to 28 U.S.C. §158(c)(1)(B).

Dated: July 10, 2008

KEEHN & ASSOCIATES
A Professional Corporation

By: //s// L. Scott Keehn
L. Scott Keehn
Attorneys for **Petitioning Creditors**

KEEHN & ASSOCIATES, APC
ATTORNEYS AND COUNSELORS AT LAW
402 WEST BROADWAY, SUITE 1210
SAN DIEGO, CALIFORNIA 92101
TELEPHONE (619) 400-2200 · FACSIMILE (619) 400-2201

BAP# SC-08-1174

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA
325 West F Street, San Diego, California 92101-6991
(619) 557-5620 FAX: (619) 557-5536

TRANSMITTAL MEMORANDUM

RECEIVED
Harold S. Marenus, Clerk
U.S. BKCY.APP.PANEL
OF THE NINTH CIRCUIT
JUL 10 2008
FILED ____
DOCKETED ____
DATE INITIAL

To: BANKRUPTCY APPELLATE PANEL OF THE NINTH CIRCUIT
125 S. Grand Avenue
Pasadena, California 91105

From: BARRY K. LANDER, Clerk District/Office No. 974-3

CASE NAME	
Frances J. Lopez	BANKRUPTCY NO. 05-5926-PBINV
	ADVERSARY NO.
	APPEAL NO. 2
	BANKRUPTCY JUDGE Peter w. Bowie
	DATE BANKRUPTCY FILED 6/30/05

DATE OF ENTRY OF APPEALED ORDER:	NOTICE OF APPEAL FILED ON:	FEE PAID:	NOTICE OF REFERRAL TO BAP MAILED ON:
6/24/08	7/3/08	YES	July 8, 2008

DATED: July 8, 2008

Barry K. Lander, Clerk

By: Kurt Herbold, Deputy Clerk
Kurt Herbold

FILED

July 8, 2008

CLERK, U.S. BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA
325 West "F" Street, San Diego, California 92101-6991

In Re
Frances J. Lopez

Debtor.

BANKRUPTCY NO. 05-5926-PBINV

Frances J. Lopez (Appellant)

v.
Alan Stanly (Appellee)

BK APPEAL NO. 2
ASSIGNED TO JUDGE Peter w. Bowie

NOTICE OF REFERRAL OF APPEAL TO BANKRUPTCY APPELLATE PANEL
COMBINED WITH SERVICE OF NOTICE OF APPEAL

TO: M. Jonathan Hayes, 21800 Oxnard St. Suite 840, Woodland Hills, CA 91367,
L. Scott Keehn, KEEHN & Assoc, APC, 402 W. Broadway, Suite 1210, San Diego, CA 92101
United States Trustee, Dept. of Justice, 402 W. Broadway, Ste. 600, San Diego, CA 92101

NOTICE IS HEREBY GIVEN that a Notice of Appeal has been filed by Frances J. Lopez with the Clerk of the Bankruptcy Court. By virtue of orders of the Judicial Council of the Ninth Circuit and the District Court for this district, the above appeal has been referred to the United States Bankruptcy Appellate Panel of the Ninth Circuit (BAP).

Any party desiring to object to such referral must do so in conformity with the foregoing orders and their provisions for reference to the BAP, a copy thereof being hereto attached.

For further information, you may contact the Clerk of the United States Bankruptcy Appellate Panel at 125 S. Grand Avenue, Pasadena, California 91105 or by calling (626) 229-7225.

I hereby certify that on this date copies of the Notice of Appeal and the within Notice of Referral were mailed to the above-named person(s).

DATED: July 8, 2008

Barry K. Lander, Clerk

By: [signature], Deputy Clerk
Kurt Herbold

M. Jonathan Hayes (Bar No. 90388)
Law Office of M. Jonathan Hayes
21800 Oxnard St, Suite 840
Woodland Hills, CA 91367
Telephone: (818) 710-3656
Facsimile: (818) 710-3659
jhayes@polarisnet.net

Attorneys for Debtor Francis Lopez

Case # : 05-05926-PBAPBK
Debtor.: FRANCIS J. LOPEZ
Judge..: PETER BOWIE
Trustee: LESLIE GLADSTONE
Chapter: APBK

Filed : July 03, 2008 11:16:56
Deputy : T SCHMIDT
Receipt: 198978
Amount : $255.00

RECEIVED
Harold S. Marenus, Clerk
U.S. BKCY.APP.PANEL
OF THE NINTH CIRCUIT
JUL 10 2008
FILED
DOCKETED
DATE INITIAL
BAP# SC-08-

UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF CALIFORNIA

SAN DIEGO DIVISION

In Re: FRANCIS J. LOPEZ, Debtor	CASE NO. 05-05926-PBINV Involuntary Chapter 7 **NOTICE OF APPEAL BY DEBTOR TO ORDER DENYING MOTION TO TRANSFER CASE TO FLORIDA**

Alleged Debtor Francis Lopez hereby appeals under 28 U.S.C. § 1291 from the judgment, order, or decree of Judge Peter Bowie denying the Debtor's Motion to Transfer this Case to Florida. A copy of the Order is attached hereto.

The names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their respective attorneys are as follows:

Atty for Debtor Francis Lopez
M. Jonathan Hayes
21800 Oxnard St., Suite 840
Woodland Hills, CA 91367
(818) 710-3656
(818) 710-3659 fax

Atty for Petitioning Creditor, Alan Stanly
L. Scott Keehn
KEEHN & Assoc, APC
402 W. Broadway, Suite 1210
San Diego, CA 92101
(619) 400-2200
(619) 400-2201 fax

Dated: July 1, 2008

Respectfully submitted

By: ______________________
M. Jonathan Hayes
Attorneys for Debtor, Francis Lopez

WRITTEN DECISION - NOT FOR PUBLICATION

ENTERED ______
FILED
JUN 24 2008
CLERK, U.S. BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF CALIFORNIA

In re	)	Case No. 05-05926-PBINV
	)	
FRANCIS J. LOPEZ,	)	ORDER ON MOTION FOR
	)	TRANSFER OF VENUE
Debtor.	)	
	)	

On September 30, 2005, Alan Stanly commenced this case by filing an involuntary petition against alleged debtor, Francis J. Lopez. On July 20, 2005, Lopez moved to transfer venue to the Northern District of Florida. The Court denied the motion without prejudice. Since then Lopez has challenged the involuntary petition both on the ground that there were not enough petitioning creditors (§ 303(b)(1)) and that he was generally paying his debts as they came due (§ 303(h)(1)). The Court granted Lopez's motion to bifurcate the issues, addressing the number of petitioning creditors first. On September 26, 2006, after much argument and briefing, the Court entered an

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order granting summary judgment in favor of Stanly determining that the petition was properly filed under § 303(b)(1).

Discovery issues have continued to plague this case, and the Court has been compelled to impose sanctions against Lopez, both monetary and terminating. On January 28, 2008, the Court entered an order for relief on the involuntary petition as a sanction for Lopez's continued failure to comply with discovery requests and this Court's orders. Lopez's appeal of the order is pending.

On March 3, 2008, Lopez renewed his motion seeking to transfer venue of this case to the Northern District of Florida, where he resides. On April 7, 2008, the Court held a hearing on the Lopez's motion to transfer venue and took the matter under submission.

This Court has subject matter jurisdiction over the proceeding pursuant to 28 U.S.C. § 1334 and General Order No. 312-D of the United States District Court for the Southern District of California. This is a core proceeding under 28 U.S.C. § 157(b)(2)(A).

DISCUSSION

Venue for a bankruptcy case is proper in the district court for the district-

> (1) in which the domicile, residence, principal place of business in the United States, or principal assets in the United States, of the person or entity that is the subject of such case have been located for the one hundred and eighty days immediately preceding such commencement ....

28 U.S.C. § 1408(1). The parties agree that this Court is a

proper venue based upon the related bankruptcy case of Prism Advanced Technologies, Inc., (Case No. 03-07777-JM7), which is pending in this district.

Nevertheless, 28 U.S.C. § 1412 allows the transfer of a case properly filed in one district to another district. Rule 1014(a)(1) of the Federal Rules of Bankruptcy Procedure sets out the procedure for a motion to transfer venue - if, upon a "timely motion" and after notice and a hearing, the Court determines that the transfer "is in the interest of justice or for the convenience of the parties," the case may be transferred to another district. 28 U.S.C. § 1412; Fed. R. Bankr.P. 1014(a)(1); In re Custom Builders of Steamboat, Inc., 349 B.R. 39, 42 (Bankr.D.Idaho 2005). The analysis of the combination of "interest of justice" and "convenience of parties" under § 1412 and Rule 1014 is fact specific to each case and necessarily requires the exercise of discretion based on the totality of the circumstances, which may include considerations regarding witnesses and the presentation of evidence. In re Donald, 328 B.R. 192, 204 (9th Cir.BAP 2005). The party urging a change of venue has the burden of showing, by a preponderance of the evidence, that the transfer is warranted. In re Kona Joint Venture I, Ltd., 62 B.R. 169, 172 (Bankr.D.Haw.1986). The resolution of an issue of venue is left to the sound discretion

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of the trial court, but the power of the court to transfer venue should be exercised cautiously. Id. (Citations omitted).[1]

Several non-exclusive factors, which generally amounts to a totality-of-circumstances analysis, are to be considered: (1) proximity of creditors to Court; (2) proximity of debtor to Court; (3) proximity of witnesses necessary to administration of the estate; (4) location of assets; (5) economic and efficient administration of the case; (6) need for further administration if liquidation ensues. In re Donald, 328 B.R. at 204. See also Custom Builders of Steamboat, Inc., 349 B.R. at 42; In re Kona Joint Venture I, Ltd., 62 B.R. at 172.

(1) proximity of creditors to Court.

Lopez's schedules list several creditors with addresses throughout the nation. However, the most active creditor to date and likely for the remainder of this case is Stanly, who resides in this district.

Gregory Akers, the trustee in the Prism bankruptcy case, suggests that he has "substantial avoidance claims against Mr. Lopez" and that moving the case to Florida would increase his costs of pursuing such claims. To date though, no such actions have been commenced.

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[1] Counsel for Stanly suggests that, in an involuntary case such as this, deference should be paid to the will of the petitioning creditors. The Court finds that any such deference is unnecessary in light of the burden of persuasion placed upon the party seeking transfer – the party, presumably, which did not choose the original venue.

This factor weighs in favor of venue remaining in this Court.

(2) proximity of debtor to Court.

This factor is perhaps the simplest of all. Lopez undeniably lives in Florida, approximately 2,050 miles from this courthouse. This factor weighs in favor transferring venue to Florida. However, contrary to the suggestion by Lopez, this factor carries no more weight than the others – this case was properly commenced as an involuntary under § 303. Thus, reason dictates that the petitioning creditor(s) selects among the available venues. The involuntary debtor, as movant, bears the burden to show that the case should be moved.

(3) proximity of witnesses necessary to administration of estate.

Neither party has identified any witnesses who will be necessary for the administration of this estate other than themselves. Counsel for Stanly suggested at the hearing that if a § 523 or § 727 action were filed in this case, there might be witnesses who were "not in the Northern District of Florida." However, no such action is presently pending, and no such witnesses have been identified. Thus, the only two witnesses of which the Court is aware are Stanly and Lopez. Since one is here and one in Florida, this factor is a wash.

(4) location of assets.

Lopez's assets consist primarily of the residence in Florida which he owns with his wife, and personal property located in Florida. This factor weighs in favor of a transfer of venue.

(5) economic and efficient administration of case.

As Stanly suggests, this Court has spent a good deal of time with this case and with the parties. The Court has heard the discovery squabblings of the parties, and has been compelled to impose sanctions. Were the case to be transferred, the new court would have to spend some time and energy bring itself up to date. However, the Court notes that in connection with the present motion, counsel for both parties have ably set forth a complete history of the proceedings to date. The Court has no doubt that, with the assistance of counsel, a new court in Florida could get up to speed with little difficulty. This Court has, as Stanly points out, imposed monetary and non-monetary sanctions against Lopez. However, they are simple orders which can be as easily enforced in a Florida Bankruptcy Court as anywhere else.

Similarly, the Court is not concerned with the fact that Florida law may need to be applied with respect to Lopez's residence. Over the years this Court has been called upon to apply the laws of other states. The Court is certain that, with the guidance of counsel, it can navigate the Florida law if necessary. In fact, counsel for Stanly gave a seemingly sound summary of Florida exemption law at the hearing on this matter.

Stanly complains that Lopez has failed to provide authority for the proposition that an underlying case may be transferred when an order from the original court is pending. However, the Court notes that Stanly has provided no authority for the proposition that it cannot. The Court does not consider this to be a matter worth weighing - both this Court and any court of the Northern District of Florida would be competent to follow any instructions which might come from the appellate court.

Stanly also suggests that the case should remain in this district, because the Prism case, the affiliation to which was the basis of initial venue, is here. That factor was considered in the Kona Joint Venture case, where four related proceedings were pending in the district from which venue was sought to be moved. However, in our situation the Prism case has been dormant for some time. The case remains open only at the request of Stanly. Stanly and those supporting his opposition suggest that there may be avoidance actions brought in the case. However, as of the time this Court is asked to rule on this motion, no such actions have begun.

Thus, on the one hand this Court would have to spend a little time familiarizing itself with Florida law. On the other, a Florida court would need some little time to learn the facts of this case. Either Court could presumably follow any instruction the appellate court sees fit to give regarding the pending appeal. In summary, this factor is a wash.

(6) need for further administration if liquidation ensues.

This factor came into play in Kona Joint Venture, a case in which the debtor, along with its affiliates, looked to reorganize. As this is a chapter 7 case, this factor would not seem to apply.

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Summary of factors.

Clearly, ours is not a case such as In re Donald where the factors were overwhelmingly in favor of transferring venue. Rather, the various factors seem to balance each other out. Given that the burden is on Lopez to demonstrate that venue ought to be transferred, this Court concludes that he has failed to meet his burden. This case will stay where it is.

In light of this ruling, the Court need not rule on Stanly's argument that the motion is not timely, as required under Rule 1014. However, the Court notes that since the denial of the previous motion to transfer, without prejudice, the parties have been actively addressing the first portion of the bifurcated § 303 issue as well as the related discovery disputes. The Court finds that Lopez's renewal of the motion is timely.

CONCLUSION

For the reasons set forth above, the Court denies Lopez's motion to transfer venue.

IT IS SO ORDERED.

DATED: JUN 24 2008

PETER W. BOWIE, Chief Judge
United States Bankruptcy Court

UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF CALIFORNIA

In re Case No. 05-05926-PBINV

CERTIFICATE OF MAILING

The undersigned, a regularly appointed and qualified clerk in the office of the United States Bankruptcy Court for the Southern District of California, at San Diego, hereby certifies that a true copy of the attached document, to wit:

ORDER ON MOTION FOR TRANSFER OF VENUE

was enclosed in a sealed envelope bearing the lawful frank of the Bankruptcy Judges and mailed to each of the parties at their respective address listed below:

Attorney for Debtor:

M. Jonathan Hayes, Esq.
21800 Oxnard Street,
Suite 840
Woodland Hills, CA 91367

Attorney for Creditor Stanly:

L. Scott Keehn, Esq.
Keehn & Associates
402 West Broadway, Suite 1210
San Diego, CA 92101

Trustee:

Leslie T. Gladstone, Esq.
5580 La Jolla Boulevard,
Suite 613
La Jolla, CA 92037-7651

Said envelope(s) containing such document were deposited by me in a regular United States mail box in the City of San Diego, in said district on June 24, 2008.

Barbara J. Kelly
Barbara J. Kelly, Judicial Assistant

PROOF OF SERVICE

I, MJ Hayes, declare:

I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is 21800 Oxnard St., Suite 840, Woodland Hills, CA 91367. On July 1, 2008, I served the within documents:

NOTICE OF APPEAL BY DEBTOR TO ORDER DENYING MOTION TO TRANSFER CASE TO FLORIDA

by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.

X by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California addressed as set forth below.

.. bv causing personal deliverv bv of the document(s) listed above to the person(s) at the address(es) set forth below.

.. by placing the document(s) listed above in a sealed _______________ envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to a _______________ agent for delivery

.. by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

L. Scott Keehn
KEEHN & Assoc, APC
402 W. Broadway, Suite 1210
San Diego, CA 92101

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on July 1, 2008, at Los Angeles, California.

[signature]

MJ Hayes

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

FILED
JUL 21 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

I. (a) PLAINTIFFS

Francis J. Lopez

DEFENDANTS

Alan Stanly

(b) County of Residence of First Listed Plaintiff ______
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)
L. Scott Keehn
402 West Broadway, Suite 1210
San Diego, CA 92101
619-400-2200

Attorneys (If Known)

'08 CV 1306 JLS WMc

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant) (For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excl. Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability
- ☐ 196 Franchise

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

TORTS

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury

PERSONAL INJURY
- ☐ 362 Personal Injury - Med. Malpractice
- ☐ 365 Personal Injury - Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

CIVIL RIGHTS
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 444 Welfare
- ☐ 445 Amer. w/Disabilities - Employment
- ☐ 446 Amer. w/Disabilities - Other
- ☐ 440 Other Civil Rights

PRISONER PETITIONS
- ☐ 510 Motions to Vacate Sentence

Habeas Corpus:
- ☐ 530 General
- ☐ 535 Death Penalty
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition

FORFEITURE/PENALTY
- ☐ 610 Agriculture
- ☐ 620 Other Food & Drug
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 630 Liquor Laws
- ☐ 640 R.R. & Truck
- ☐ 650 Airline Regs.
- ☐ 660 Occupational Safety/Health
- ☐ 690 Other

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Mgmt. Relations
- ☐ 730 Labor/Mgmt.Reporting & Disclosure Act
- ☐ 740 Railway Labor Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Empl. Ret. Inc. Security Act

IMMIGRATION
- ☐ 462 Naturalization Application
- ☐ 463 Habeas Corpus - Alien Detainee
- ☐ 465 Other Immigration Actions

BANKRUPTCY
- ☒ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 840 Trademark

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 480 Consumer Credit
- ☐ 490 Cable/Sat TV
- ☐ 810 Selective Service
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 875 Customer Challenge 12 USC 3410
- ☐ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 892 Economic Stabilization Act
- ☐ 893 Environmental Matters
- ☐ 894 Energy Allocation Act
- ☐ 895 Freedom of Information Act
- ☐ 900Appeal of Fee Determination Under Equal Access to Justice
- ☐ 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (**Do not cite jurisdictional statutes unless diversity**):
28 USC 158
Brief description of cause:

VII. REQUESTED IN COMPLAINT: ☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND $**

CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE ______ DOCKET NUMBER ______

DATE ______ SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # ______ AMOUNT ______ APPLYING IFP ______ JUDGE ______ MAG. JUDGE ______

UNITED STATES DISTRICT COURT

Southern District Of California
Office Of The Clerk
880 Front Street, Room 4290
San Diego, California 92101-8900
Phone: (619) 557-5600
Fax: (619) 702-9900

W. Samuel Hamrick, Jr.
Clerk of Court

July 23, 2008

M. Jonathan Hayes
Law Office of M. Jonathan Hayes
21800 Oxnard Street, Suite 840
Woodland Hills, CA 91367

Scott L. Keehn
Keehn & Associates
402 West Broadway, Suite 1210
San Diego, CA 92101

RE:	Francis J. Lopez
Bankruptcy Case Number:	05-05926-PB7
BAP Case Number:	SC-08-1174

You are hereby notified that the above entitled case was on July 16, 2008 transferred from the U.S. Bankruptcy Appellate Panel, 9th District to the U.S. District Court, Southern District of California. The case will now contain the case number of the Southern District, and the initial of the assigned Judge. The case has been assigned to the Honorable Janis L. Sammartino, and on all future filings please show the case number as 08cv1306 JLS Wmc.

Sincerely yours,

W. Samuel Hamrick, Jr.
Clerk of Court

By: C. Ecija
C. Ecija, Deputy Clerk

cc: Bankruptcy Court